

**PROPOSED AMENDMENTS TO THE RULES OF THE**  
**DEPARTMENT OF NATURAL RESOURCES**  
**ENVIRONMENTAL PROTECTION DIVISION**  
**SOLID WASTE MANAGEMENT, CHAPTER 391-3-4**

The Rules of the Department of Natural Resources, Chapter 391-3-4, Solid Waste Management are hereby proposed for amendment.

[Note: Underlined text is proposed to be added. ~~Lined-through~~ text is proposed to be deleted.]

**391-34-.04 General. Amended**

(1) No person shall engage in solid waste handling in a manner which will be conducive to insect and rodent infestation or the bar boring and feeding of wild dogs or other animals; impair the air quality; impair the quality of the ground or surface waters; impair the quality of the environment; or likely create other hazards to the public health, safety, or well-being as may be determined by the Director.

(2) Provisions of these Rules apply to all persons presently engaged in solid waste handling as well as all persons proposing to engage in solid waste handling.

(3) Exemptions :provisions of these Rules shall not apply to any individual disposing of solid wastes originating from his own residence onto land or facilities owned by him when disposal of such wastes does not thereby adversely affect the public health. These Rules shall not apply to any individual, corporation, partnership, or cooperative disposing of livestock feeding facility waste from facilities with a total capacity of up to 1,000 cattle or 5,000 swine. Provided that if such individual, corporation, partnership, or cooperative shall provide an approved waste disposal system which is capable of properly disposing of the run-off from a "ten year storm" such individual, corporation, partnership or cooperative shall be further exempt regardless of total per head capacity. Nothing in these Rules shall limit the right of any person to use poultry or other animal manure for fertilizer.

(4) Prohibited Acts:

(a) Burning: no solid waste may be burned at a solid waste handling facility, except by thermal treatment technology facility approved by the Division.

(b) Scavenging: no person owning or operating a solid waste handling facility shall cause, suffer, allow or permit scavenging at such site.

(c) Open Dump: no solid waste may be disposed of by any person in an open dump, nor may any person cause, suffer, allow or permit open dumping on his property.

(d) Asphalt Shingles: no roofing shingles which contain asphalt may be disposed of except in construction and demolition or municipal solid waste landfills.

(5) The owner or occupant of any premises, office, business establishment, institution, industry, or similar facilities shall be responsible for the collection and transportation of all solid waste accumulated at the premises, office, business establishment, institution, or similar facility to a solid waste handling facility operating in compliance with these Rules unless arrangements have been made for such service with a collector operating in compliance with these Rules.

(6) Prohibited Wastes Disposal:

(a) If, because of unusual physical or chemical properties, or geological or hydrological conditions, or for other reasons, the Division finds that solid waste should not be accepted at a solid waste handling facility, the Division may require that such waste be prohibited, and that a proposal for disposal of such waste, with supporting data as may be deemed necessary, be submitted by the generator of such waste for consideration of approval by the Division. The prohibition of such waste shall continue in effect until an acceptable procedure for processing or disposal has been developed and approved.

(b) The following solid wastes are specifically prohibited from disposal at solid waste disposal facilities in Georgia:

1. lead acid batteries;
2. liquid waste in landfills, except as allowed in (9) below;
3. regulated quantities of hazardous waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-11;
4. radioactive waste as defined in Rules promulgated by the Board of Natural Resources, Chapter 391-3-9, Radioactive Waste Material Disposal; and
5. polychlorinated biphenyls (PCB) waste as defined in 40 CFR, Part 761.

(c) Any generator who disposes of a prohibited waste or person who accepts for disposal a prohibited waste shall be deemed to be in violation of these Rules.

(7) Recovered Materials:

(a) Recovered materials and recovered materials processing facilities are excluded from regulation as solid wastes and solid waste handling facilities. To be considered exempt from regulation, the material must have a known use, reuse, or recycling potential; must be feasibly used, reused, or recycled; and must have been diverted or removed from

the solid waste stream for sale, use, reuse , or recycling, whether or not requiring subsequent separation and processing.

(b) Materials accumulated speculatively are solid waste and must comply with all applicable provisions of these regulations.

(c) A recovered material is not accumulated speculatively if the person accumulating it can show that there is a known use, reuse , or recycling potential for the material, that the material can be feasibly sold, used, reused, or recycled and that during ~~the preceding 90 days the amount of material that is recycled, sold, used, or reused equals at least 60 percent by weight or volume of the material received during that 90-day period and 60 percent by weight or volume of all material previously received and not recycled, sold, used, or reused and carried forward into that 90-day period.~~ a calendar year commencing January 1 and ending December 31 of the same year, seventy-five percent (75%), by weight or volume, of the recovered material stored at a facility is recycled, sold, used, or reused. Any material that is accumulated speculatively and not in accordance with these requirements must be handled as solid waste.

(d) Proof of recycling, sale, use, or reuse shall be provided in the form of bills of sale, or other records showing adequate proof of movement of the material in question to a recognized recycling facility or for proper use or reuse from the accumulation point. In addition, proof must be provided that there is a known market or disposition for the recovered material. Persons claiming that they are owners or operators of recovered materials processing facilities must show that they have the necessary equipment to do so.

(e) A recovered material is "sold" if the generator of the recovered material or the person who recovered the material from the solid waste stream received consideration or compensation for the material because of its inherent value.

(f) A recovered material is "used, reused or recycled" if it is either:

1. Employed as an ingredient ( including use as an intermediate) in a process to make a product (for example, utilizing old newspaper to make new paper products) or
2. Employed in the same or different fashion as its original intended purpose without physically changing its composition (for example, use of old automobiles for spare parts or donation of clothing or furniture to charitable organizations) or
3. Employed in a particular function or application as an effective substitute for a commercial product (for example, utilizing shredded tires in asphalt or utilizing refuse-derived fuel as a substitute for fuel oil, natural gas, coal, or wood in a boiler or industrial furnace) as long as such substitution does not pose a threat to human health or the environment and so long as the facility is not a solid waste thermal treatment facility.

4. A material is not "used, reused or recycled" when it is applied to or placed on or in the land in a manner that constitutes disposal which, in the opinion of the

Director, may pose a threat to human health and the environment (for example, utilizing soil containing levels of hazardous constituents, as listed in Chapter 391-3-11, 40 CFR Part 261, Appendix VIII for fill material when those levels are greater than the background levels in the area to be filled, land applying sludge in excess of generally accepted agricultural practices or use of inherently waste-like materials as fill material).

#### (8) Asbestos Containing Waste.

##### (a) Collection.

1. Vehicles used for the transportation of containerized asbestos waste shall have an enclosed carrying compartment or utilize a covering sufficient to contain the transported waste, prevent damage to containers, and prevent release or spillage from the vehicle.

2. Vehicles used to reduce waste volume by compaction shall not be used.

3. Vacuum trucks used to transport waste slurry must be constructed and operated to ensure that liquids do not leak from the truck.

##### (b) Disposal.

1. Asbestos containing waste is to be disposed of only in a permitted landfill or other facility authorized by the Division for acceptance of asbestos containing waste.

2. Asbestos containing waste shall be sealed in leak-proof containers labeled with "Caution - Contains Asbestos Fibers - Avoid Opening or Breaking Container - Breathing Asbestos is Hazardous to Your Health.

3. Asbestos containing waste shall be disposed of in such a manner as not to destroy the integrity of the asbestos containing materials containers prior to the placement of cover material. This waste shall be completely covered immediately after deposition with a minimum of six (6) inches of non-asbestos material.

#### (9) Liquid Waste Restrictions at Landfills.

##### (a) Bulk or noncontainerized liquid waste may not be placed in landfill units unless

1. The waste is household waste other than septic waste; or

2. The waste is leachate or gas condensate derived from the landfill unit, whether it is a new or existing landfill or lateral expansion, is designed with a composite liner and leachate collection system as described in paragraph (1)(d) of Rule 391-3-4-.

07. The owner or operator must place the demonstration in the operating record and notify the Director that it has been placed in the operating record.

(b) Containers holding liquid waste may not be placed in a landfill unit unless :

1. The container is a small container similar in size to that normally found in household waste;
2. The container is designed to hold liquids for use other than storage; or
3. The waste is household waste.

(c) For purposes of this section:

1. "Liquid waste" means any waste material that is determined to contain "free liquids" as defined by Method 9095 (Paint Filter Liquids Test) , as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods" (EPA Pub. No. SW-846).

2. "Gas condensate" means the liquid generated as a result of gas recovery process(es) at the landfill unit.

10. Variances, waivers, and alternative compliance schedules which may be granted under these Rules, Chapter 391-3- 4, may not allow a requirement or compliance schedule which is less stringent than those found in 40 CFR, Part 258, as amended, 56 Fed. Reg. 51016-51039 October 9, 1991.

(11) Compliance with the Rules for Solid Waste Management, Chapter 391-3- 4, does not relieve any person from complying with all other applicable local, state, or federal rules or statutes.

Authority O.C.G.A. § 12-8-20 et seq., as amended.

#### **391-3-4-.06 Permit by Rule for Collection, Transportation, Processing, and Disposal.**

(1) Permit-by-Rule. Notwithstanding any other provision of these Rules, collection operations, transfer station operations, inert waste landfill operations, waste processing and thermal treatment operations, ~~and wastewater treatment and pretreatment plant sludge disposal operations,~~ and yard trimmings waste landfill operations shall be deemed to have a solid waste handling permit if the conditions in paragraph (2) are met and the conditions in paragraph (3), for that particular category of operation are met.

(2) Notification. Within 30 days of commencing solid waste handling activities which are covered under a permit-by-Rule, notification must be made to the Director of such activity. Notification shall be made on such forms as are provided by the Director. Persons failing to notify the Director of such activities shall be deemed to be operating without a permit.

### (3) Categories of Operations:

#### (a) Collection Operations:

1. Vehicle construction: vehicles or containers used for the collection and transportation of garbage and similar putrescible wastes, or mixtures containing such wastes, shall be covered, substantially leakproof, durable, and of easily cleanable construction.
2. Vehicle maintenance: solid waste collection and transportation vehicles shall be cleaned frequently and shall be maintained in good repair.
3. Littering and spillage: vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such manner that the contents will not fall, leak or spill therefrom and shall be covered when necessary to prevent blowing of material from the vehicle.
4. No regulated quantities of hazardous wastes may be collected and transported except in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60 et seq.
5. Local ordinances: it is the responsibility of the collector to comply with all local rules, regulations, and ordinances pertaining to operation of solid waste collection systems.
6. All wastewater from cleaning of vehicles must be handled in a manner which meets all applicable environmental laws and regulations.
7. All collected solid waste must be deposited only in a permitted solid waste handling facility authorized to receive the applicable waste types.
8. After July 1, 1992, municipal solid waste may not be transported from a jurisdiction to a municipal solid waste disposal facility located in another county unless the jurisdiction generating the waste is actively involved in and has a strategy for meeting the state-wide goal of waste reduction by July 1, 1996.

#### (b) Transfer Station Operations:

1. Solid Waste shall be confined to the interior of transfer stations, and not allowed to scatter to the outside. Waste shall not be allowed to accumulate, and floors shall be kept clean and well drained.
2. Sewage solids shall be excluded from transfer stations.
3. Dust, odors and similar conditions resulting from transfer operations shall be controlled at all times.

4. Rodents, insects and other such pests shall be controlled.
5. Any contaminated runoff from washwater shall be discharged to a wastewater treatment system and, before final release, shall be treated in a manner approved by the Division.
6. Hazardous Waste: no person owning or operating a transfer station shall cause, suffer, allow, or permit the handling of regulated quantities of hazardous waste.
7. Liquid wastes restricted from landfill disposal by Rule 391-3-4-.04(9) shall be excluded from transfer stations. Transfer stations in existence on August 1, 2004 and in compliance with all other regulations applicable to permit by rule transfer stations may continue to handle such liquid wastes until a solid waste processing facility permit is issued or August 1, 2006, whichever occurs first.

(c) Inert Waste Landfill Operations: Inert Waste Landfills in existence on the effective date of this Rule and in compliance with all other regulations applicable to permit by rule for inert waste landfill operations may continue to operate under the conditions below until a solid waste handling permit is issued or December 1, 2014, whichever occurs first. Provided a complete permit application is submitted by June 1, 2014, the Director may extend the deadline for permitting until a final decision on permit issuance or denial is made. If the requirements for a permit cannot be met by December 1, 2014, or other deadline established by the Director, the operator must cease receipt of waste on that date and complete closure by June 1, 2015, or six months from the Director's denial of the requested permit application. Any inert waste landfill which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements. Except as provided in sub-paragraph (f), ~~No~~ no person may begin operating a new inert waste landfill after the effective date of this rule without first obtaining a site specific solid waste handling permit for an inert waste landfill.

1. Only waste that will not or is not likely to produce leachate of environmental concern may be disposed of in an inert waste landfill. Only earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs and leaves, are acceptable for disposal in an inert waste landfill.
2. No portion of waste disposal area shall be located within one hundred (100) linear feet of any property line or enclosed structure.
3. Materials placed in inert waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed inert waste material at least monthly.

4. The inert waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.
5. Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
6. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory fire fighting material.
7. A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.
8. Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.
9. All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.
10. All wastes received at the landfill must be measured and reported as required by Rule 391-3-4-.17.
11. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

(d) On-site Waste Processing and Thermal Treatment Operations:

1. For purposes of this Rule, "On-site Processing or Thermal Treatment Facility" shall mean a facility that processes or thermally treats, no less than 75 percent, by weight, solid waste generated at the permit-by-Rule facility location or facilities owned by the same person who owns the property containing the permit-by-Rule facility. On-site facilities may include fixed or mobile facilities either owned or under contract with the solid waste generator of 75 percent of the solid waste so long as the solid waste generator maintains legal control of the solid waste while at the permit-by-Rule facility.

2. Capacity: the on-site waste processing and thermal treatment technology facility shall be adequate in size and capacity to manage the projected volume of solid waste and residue generated.

3. Residue: on-site thermal treatment technology facilities shall be designed in such a manner to expedite the routine sampling of bottom and fly ash. Temperature and combustion time shall be sufficient to produce a satisfactory residue, essentially free of odors and unstable organic matter, and such residue shall be promptly deposited in a municipal solid waste landfill having a liner and leachate collection system and operated and maintained as provided herein, handled in such other manner as may be approved by the Division, or if shown by testing to be hazardous, handled in accordance with the provisions of the Georgia Hazardous Waste Management Act, O.C.G.A. 12-8-60, et seq. Residue from thermal treatment technology facilities that burn only biomedical wastes may be deposited in any permitted municipal solid waste landfill. Residue from the burning of any wastes, other than biomedical wastes, must, if landfilled, be placed in landfills having liners and leachate collection systems unless the Division grants an exemption.

4. Storage: the areas for storing wastes prior to processing must be clearly defined and the maximum capacity specified. No waste may be stored in excess of the designated capacity.

5. Disposal of waste: treated waste from on-site processing facilities and any material not sold or used, reused, or recycled must be disposed in a permitted disposal facility.

6. Air quality: on-site processing and thermal treatment technology facilities shall be designed and operated in such manner as to meet any air quality standards of the Division.

7. Wastewater: on-site processing and thermal treatment technology facilities shall be designed so that any wastewater generated will be discharged to a wastewater treatment system and, before final release, will be treated in a manner approved by the Division.

8. Fire protection: on-site processing and thermal treatment technology facility designs shall provide for fire control equipment placed near the storage and charging area, and elsewhere as needed.

9. Supervision: operation and management of on-site thermal treatment technology facilities shall be under the direct supervision and control of an operator who is present at all times of operation and is qualified in thermal treatment technology management by training, education or experience. Operation and management of on-site processing facilities shall be under the supervision and control of a responsible individual properly trained in the operation of such facilities at all times during operation.

10. Prohibited waste: no lead acid batteries, radioactive waste, or regulated quantities of hazardous waste or polychlorinated biphenyls may be accepted. The operator must have a plan for excluding these wastes.

11. Cleanliness and sanitation: on-site processing and thermal treatment technology facilities shall be maintained in a clean and sanitary condition. Solid waste shall be confined to the designated storage area.

12. Record keeping: accurate written, daily records by actual weight or by the methods approved in accordance with O.C.G.A. 12-8-31.1(g) shall be kept of all waste processed or disposed at the on-site processing and thermal treatment technology facility. Such records shall include the source of the waste, by facility name and location. Copies of such records shall be maintained for a period of at least three (3) years and shall be submitted to the Division quarterly on such forms as prescribed by the Division.

13. Local ordinances: it is the responsibility of the operator of on-site processing and thermal treatment technology facilities to comply with all local rules, regulations, and ordinances pertaining to operation of these facilities and all other applicable federal and state laws and rules.

14. All facilities handling biomedical waste must, in addition to this Rule, meet any requirements of Rule 391-3-4-.15.

(e) Wastewater Treatment or Pretreatment Plant Sludge Disposal:

1. All wastewater treatment or pretreatment plant sludges that are not beneficially used, reused, or recycled in accordance with Rule 391-3-4-.04 or that are not disposed of by landfilling in accordance with Rule 391-3-4-.07, must be handled in accordance with an approval or a permit issued by the Division under authority of the Georgia Water Quality Control Act, O.C.G.A. 12-5-20, et seq. or the Georgia Air Quality Act, O.C.G.A. 12-9-1 et seq.

(f) Yard Trimmings Waste Landfill Operations: Landfill Operations with 5 acres or less of waste disposal area and located in counties with a population less than 65,000 people and accepting exclusively yard trimmings as defined by these Rules can be permitted under the following conditions:

1. Only yard trimmings are acceptable for disposal in a yard trimmings waste landfill. Vegetative matter from land clearing operations shall not be disposed in a yard trimmings waste landfill.

2. No portion of the waste disposal area shall be located within two hundred (200) linear feet of any property line or enclosed structure.

3. Materials placed in yard trimmings waste landfills shall be spread in layers and compacted to the least practical volume; and, a uniform compacted layer of clean earth cover no less than one (1) foot in depth shall be placed over all exposed yard trimmings waste material at least monthly.

4. The yard trimmings waste landfill site shall be graded and drained to minimize runoff onto the landfill surface, to prevent erosion and to drain water from the surface of the landfill.

5. Access to yard trimmings waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.

6. Suitable means shall be provided to prevent and control fires. Stockpiled soil is considered to be the most satisfactory firefighting material.

7. A uniform compacted layer of final cover not less than two (2) feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of yard trimmings waste within that lift.

8. Notice of final closure must be provided to the Director within 30 days of receiving the final load of waste. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these Rules unless properly closed. Notice of closure must include the date of final waste receipt and an accurate legal description of the boundaries of the landfill.

9. All deeds for real property which have been used for landfilling shall include notice of the landfill operations, the date the landfill operation commenced and terminated, an accurate legal description of the actual location of the landfill, and a description of the type of solid wastes which have been deposited in the landfill. Concurrent with the submission of notice of final closure to the Director, the owner or operator must submit to the Director confirmation that the information required in this section has been noticed on the property deed.

10. All wastes received at the landfill must be measured and reported as required by Rule 391-3-4-.17.

11. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permits, must be fully complied with prior to commencement of landfilling operations.

Authority O.C.G.A. § 12-8-20 et seq., as amended.